

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE PETITION OF)
ESSEX ACQUISITION CORPORATION)
FOR A CERTIFICATE OF TERRITORIAL)
AUTHORITY TO RESELL BUNDLED)
LOCAL EXCHANGE TELEPHONE)
SERVICES THROUGHOUT THE STATE)
OF INDIANA)

FILED

AUG 18 2003

CAUSE NO. 42487

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date, the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On July 2, 2003, Essex Acquisition Corp. ("Petitioner") filed an *Application of Essex Acquisition Corporation for a Protective Order* ("Application") in this Cause, with financial documents provided under seal and marked "Confidential." Petitioner's Application stated that the enclosed financial materials "contain proprietary information the disclosure of which would prove detrimental to [Petitioner's] competitive position in the marketplace." Petitioner's Application was not verified, and was signed by its attorney.

On August 14, 2003, the Presiding Officer issued a docket entry requiring Petitioner to file a Motion and Affidavit supporting the confidential nature of the documents at issue, pursuant to 170 IAC 1-1.1-4. The Presiding Officer notes that the Docket Entry was issued under Cause No. 42486, and that Petitioner responded under Cause No. 42487. As both matters contain substantially identical matters, and have been set for pre-hearing conference on the same day in order that they may be consolidated, this error, such that is, is considered harmless.

On August 15, 2003, Petitioner filed its Motion for Protection of Confidential and Proprietary Information, supported by the Affidavit of Donald Zyck, its Chief Financial Officer. The Motion and Affidavit asserted that the financial information at issue is not generally available to those inside the company, is kept in a secure location, had not been released previously, and would cause undue economic harm to Petitioner if released publicly.

The Presiding Officer, having reviewed the information contained in the Petitioner's Motion and Affidavit, finds that there is a sufficient basis for a preliminary finding that confidential procedures are appropriate and should be followed concerning the Confidential Information submitted in this Cause.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Lorraine Hitz-Bradley".
Lorraine Hitz-Bradley, Administrative Law Judge

Date: August 18, 2003

A handwritten signature in cursive script, reading "Pamela White".
Pam White, Temporary Secretary to the Commission